

requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(2) The requester in all cases has the burden of presenting sufficient evidence or information to justify the requester waiver or reduction.

(g) *Restrictions on assessing fees.* With the exception of requesters seeking documents for a commercial use, section (4)(A)(iv) of the Act, as amended, requires agencies to provide the first 100 pages of duplication and the first two hours of search time without charge. Moreover, this section prohibits agencies from charging fees to any requester, including commercial use requesters, if the cost of collecting the fee would be equal to or greater than the fee itself. These provisions work together so that, except for commercial use requesters, the Corporation will not begin to assess fees until after providing the free search and reproduction. For example, for a request that involved two hours and ten minutes of search time and resulted in 105 pages of documents, the agency will determine the cost of only 10 minutes of search time and only five pages of reproduction. If this cost is equal to or less than the cost of processing the fee collected, there will be no charge to the requester.

(h) *Documents made available free of charge.* No fee will be charged to any requester for any brochure or annual report readily available from the Office of Public Affairs pursuant to § 706.21(b).

(i) *Inspection.* Persons may inspect and copy in the Corporation's facilities specifically requested documents other than those which are not generally available under § 706.22 or exempt by law without charge except for search, duplication, tabulation, or compilation fees which may be otherwise payable.

(j) *Other provisions—* (1) *Charges for unsuccessful search.* The Corporation will assess charges for time spent searching, even if the Corporation fails to locate the records or if records located are determined to be exempt from disclosure.

(2) *Aggregating requesters.* When the Corporation reasonably believes that a requester or group of requesters is at-

tempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the Corporation will aggregate any such requesters and charge accordingly.

(3) *Effect of the Debt Collection Act of 1982 (Pub. L. 97-365).* The Corporation will use the authorities of the Debt Collection Act, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment.

(4) *Remittances.* (i) All payments under this section shall be in the form of a personal check, bank draft drawn on a bank located in the United States, or cash. Remittances shall be made payable to the order of United States Treasury and mail to the Director of Public Affairs, Office of Corporate Communications, Overseas Private Investment Corporation, 1615 M Street, NW., Washington, DC 20527. The Corporation will assume no responsibility for cash which is lost in the mail.

(ii) A receipt for fees paid will be given only upon request.

(iii) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance a willingness to pay fees as high as are anticipated, the requester will be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The requester is at any time welcome to confer with the Director of Public Affairs in order to formulate the request in a manner which will reduce the fee and meet the needs of the requester. A request will not be deemed to have been received until the requester has agreed to pay the anticipated fees and has made an advance deposit if one is required.

§ 706.27 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied in whole or in part shall be entitled to submit a written appeal to the Corporation.

(b) *Time for appeal.* An appeal from a denial may be filed with the Corporation at any time within 20 days following the date of receipt of the initial

determination, in cases of denials of an entire request, or from the date of receipt of any records being made available under an initial determination in cases of partial denials.

(c) *Form of appeal.* An appeal shall be by letter addressed to the Vice President & General Counsel, Overseas Private Investment Corporation, 1615 M Street, NW., Washington, DC 20527. The envelope and the letter setting forth the appeal shall be clearly marked in capital letters: FREEDOM OF INFORMATION ACT APPEAL. The letter shall reasonably describe the information or records requested and such other pertinent facts and statements as the appellant may deem appropriate. An appeal submitted in an envelope which is not addressed to the Vice President & General Counsel will not be deemed to have been received until such time as the appeal is forwarded to such officer.

(d) *Final corporation decision.* Final Corporation decisions on appeals from denials of requests for information or records shall be made in writing by the Vice President & General Counsel or his/her designee within twenty working days after the date of receipt of the request, unless an extension of up to ten working days has been deemed necessary in accordance with the procedures set forth in § 706.25 of this part. The 10-day extension may be applied to the response to the initial request or to the appeal, or to both, but in no event shall the extension exceed a total of ten working days. If the decision upholds the denial of the request, the appellant shall be notified in writing, which notice shall set forth the reasons for upholding the previous denial. If the Vice President & General Counsel or his/her designee acts favorably on the appeal, the information or records requested shall be made available promptly provided the requirements of § 706.26 regarding payment of fees are satisfied.

Subpart C—Rights of Submitters of Confidential Business Information

§ 706.31 Notification to submitters of business information.

(a) Except as provided in paragraph (c) of this section, the Director for

Public Affairs will promptly notify a “business submitter” (as that term is defined in § 706.13(b)(3) of this part) that a request for disclosure has been made for any “business information” (as that term is defined in Section 706(b)(2) of this part) provided by such submitter, and shall describe the nature and scope of the request and advise such submitter of its right to submit written objections in response to the request. Such notice of intent to disclose shall be made to the submitter in writing and shall state the intent of the Corporation to disclose the business information on the expiration of 10 working days from the receipt of the notice.

(b) The business submitter may, within 10 working days of the forwarding of the Corporation’s notification under paragraph (a) of this section, submit to the attention of the Director for Public Affairs, with copy to FOIA Counsel, written objection to the disclosure of the information requested, specifying the grounds upon which it is contended that the information should not be disclosed. In setting forth such grounds, the submitter shall specify to the maximum extent feasible the basis of its belief that the non-disclosure of any item of information requested is mandated or permitted by law. In the case of information which the submitter believes to be exempt from disclosure under subsection (b)(4) of the Act, the submitter shall demonstrate why the information is considered a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the Act. The 10 working day period for providing the Corporation with a statement objecting to the disclosure of information encompassed by an FOIA request may be extended by the Corporation upon receipt of a written request for an extension. Such written request shall set forth the date which the statement is expected to be completed and shall provide reasonable justification for the extension. The Corporation’s approval of a request for an extension shall not be unreasonably withheld.